

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUN 28 2007

CLERK, U.S. DISTRICT COURT

By _____
Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

LUCIUS JAMES HENRY, PRO SE,
TDCJ-CID #1078515,
Previous TDCJ-CID #493835

Plaintiff,

v.

RICARDO MARTINEZ,
THOMAS P. GOBLE, and
VERNELL JOHNSON, JR.,

Defendants.

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2:06-CV-0343

ORDER OF PARTIAL DISMISSAL

Plaintiff LUCIUS JAMES HENRY, while a prisoner incarcerated in the custody of the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendants and has been granted permission to proceed in forma pauperis.

On May 14, 2007, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims against defendant JOHNSON and recommending that plaintiff's claims against defendant VERNELL JOHNSON, JR., be dismissed without prejudice for failure to state a claim on which relief can be granted.

The Report and Recommendation did not address plaintiff's claims against defendants MARTINEZ and GOBLE.

The period for response expired May 28, 2007; and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.


IT IS THEREFORE ORDERED that the Civil Rights Claims by plaintiff LUCIUS JAMES HENRY against defendant VERNELL JOHNSON, JR., be DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 28th day of June, 2007.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE